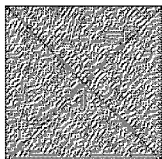


To: Kimberly Miera[kimberly.miera@lacity.org]
From: Dan Halden
Sent: Mon 9/26/2016 10:49:59 PM
Subject: Re: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Specific Voluminous Requester

No worries. See you next week. Thanks again.



Dan Halden

Hollywood Field Deputy
Office of Councilmember Mitch O'Farrell, 13th District
1722 Sunset Boulevard, Los Angeles, CA 90026
(213) 207-3015 | www.cd13.com

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On Mon, Sep 26, 2016 at 3:47 PM, Kimberly Miera <kimberly.miera@lacity.org> wrote:

sorry - i see you already did.

On Mon, Sep 26, 2016 at 3:47 PM, Kimberly Miera <kimberly.miera@lacity.org> wrote:

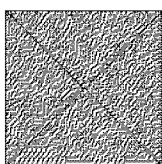
Sure - If you can send me a google calendar invite - that would be great.

On Mon, Sep 26, 2016 at 3:45 PM, Dan Halden <daniel.halden@lacity.org> wrote:

Thanks, Kimberly. Yes, we are referring to Mr. Riskin. As of right now, it's in the ballpark of 40-50 requests just since May. I will pull together as much information as possible for the meeting on 10/4.

I am including my colleague Jeanne Min, our chief of staff, in this email. Jeanne will also be in the meeting. Would you like to come to our City Hall conference room?

Thank you very much for your reply.



Dan Halden

Hollywood Field Deputy
Office of Councilmember Mitch O'Farrell, 13th District
1722 Sunset Boulevard, Los Angeles, CA 90026
(213) 207-3015 | www.cd13.com

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On Mon, Sep 26, 2016 at 3:33 PM, Kimberly Miera <kimberly.miera@lacity.org> wrote:

Hi Dan -

I am assisting with CPRA's while Mike Dundas is out of the Office. I can make 10/4 at 10 work. I have a Commission meeting on Wednesday. It would be helpful before the meeting if you can pull how many requests Mr. Riskin (I'm taking a giant leap of faith here and assuming you are referring to Adrian Risken....) has made in the last 6 months. That will help assist us with our analysis. Thank you.

----- Forwarded message -----

From: **Athena Chenoweth** <athena.chenoweth@lacity.org>

Date: Mon, Sep 26, 2016 at 1:58 PM

Subject: Fwd: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Specific Voluminous Requester

To: Strefan Fauble <strefan.fauble@lacity.org>, Kimberly Miera <kimberly.miera@lacity.org>

Are either of you available to accommodate Dan from CD13?

----- Forwarded message -----

From: **Dan Halden** <daniel.halden@lacity.org>

Date: Mon, Sep 26, 2016 at 11:27 AM

Subject: Re: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Specific Voluminous Requester

To: Mike Dundas <mike.dundas@lacity.org>

Cc: "Min, Jeanne" <jeanne.min@lacity.org>, Athena Chenoweth <athena.chenoweth@lacity.org>

Hi Mike,
I hope you had a nice weekend. Jeanne and I would like to meet with you as soon as possible to discuss this matter.

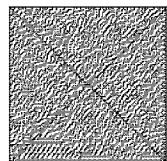
Would you be available on either of these dates:

Tues 10/4 - 10 AM

Wed 10/5 - 11 AM

Please advise.

Thanks!



Dan Halden

Hollywood Field Deputy

Office of Councilmember Mitch O'Farrell, 13th District

1722 Sunset Boulevard, Los Angeles, CA 90026

(213) 207-3015 | www.cd13.com

Find the Councilmember on: ■ ■ ■ ■

On Tue, Sep 13, 2016 at 4:45 PM, Mike Dundas <mike.dundas@lacity.org> wrote:

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Dan,

In very rare circumstances a series of public records requests from a single person may become so burdensome, persistent or sweeping that it unreasonably impinges on a department's ability to perform its public duties. In these unusual instances, the department may be able to invoke a "rule of reason" (a common law doctrine occasionally cited in case law) to allocate the amount of time and resources a department devotes to responding. See *California First Amendment Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159; and *American Civil Liberties Union Foundation v. Deuknejian* (1982) 32 Cal. 3d 440.

Departments believing that circumstances may warrant invoking this rule are urged to consult with the City Attorney's Office before doing so. In general, the timing of a department's response must be reasonable in light of all the circumstances, including: the volume of records to be inspected; whether the records are readily available; the need, if any, to assign staff to oversee the inspection; whether the department is actively using the records; and the number of other public records requests to which the department is also responding. Without denying or unreasonably delaying the requested inspection, a department may consider significant disruption of its operations that inspection will cause in determining the timing and logistics of the inspection. For example, in response to a request to inspect a large number of records, the department may afford the requester access to records for a specified amount of time each day if under the circumstances that procedure is reasonable.

When one person makes multiple requests of an office, circumstances may warrant allocating a limited number of hours per day or week to the individual's

pending requests in order to minimize disruption of its other public duties. In such circumstances, department personnel should endeavor to work cooperatively with the requester to determine if the request can be narrowed to minimize barriers to a prompt response, or to at least prioritize records the request would like to first retrieve and review first.

Because open government laws place such paramount importance on responding promptly to public records requests, a department should never lightly or routinely invoke the rule of reason as a basis for elongating the time for fully responding. Indeed, we strongly advise City personnel against invoking the rule of reason unless they have first consulted with the City Attorney's Office about their particular circumstances. This should be a very unique course of action in response to a very rare problem in the city.

On the chance that litigation may ensue, meticulous records should be kept on the number, scope and breadth of the requests being made by the person in question. The office or department will be required to produce testimony, affidavit, or other evidence of the extent of this alleged burden. With our assistance, it is our advice that you may write the requester a letter in which you list all of his/her requests, summarize the time spent to date, inform him/her of the burden that responding has entailed, inform him/her going forward of the amount of time your agency is able to devote to his/her requests (for example 3 hours a week; it must be reasonable) while still discharging all its other duties, and ask him/her to prioritize his requests so the most important are handled first. Keep in mind that the letter is being written not only for the requester but also for the court in the event the requester who takes your office or department to court.

Please let me know if you have any questions.

Mike Dundas

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Kimberly Miera
Deputy City Attorney
Los Angeles City Attorney's Office
General Counsel
200 N. Main Street
7th Floor, CHE
Los Angeles, CA 90012
(213) 978-8130

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